

Anthony L. Martin
Nevada Bar No. 8177
anthony.martin@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
10801 W. Charleston Blvd.
Suite 500
Las Vegas, NV 89135
Telephone: 702.369.6800
Fax: 702.369.6888

Attorneys for Defendant Mercy, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

DUSTIN ALLEN, an individual,

Plaintiff,

vs.

MERCY, INC., a domestic corporation,

Defendant.

Case No.: 2:24-cv-01193-GMN-NJK

**STIPULATION AND ORDER TO EXTEND
DISPOSITIVE MOTION DEADLINE
(THIRD REQUEST)**

Defendant Mercy, Inc. (“Defendant”), and Plaintiff Dustin Allen (“Plaintiff”) (collectively referred to as “Parties”), by and through their respective counsel, hereby submit the following Stipulation and Order to Extend Dispositive Motion Deadline (Third Request), pursuant to Local Rule 7-1 and 26-3.

As detailed further herein, the additional time is necessary due to Defendant’s lead counsel’s pre-planned vacation and to allow for the Parties further exploration of possible resolution. The Parties do not seek an extension of discovery, rather, the Parties agree to extend dispositive motion scheduling deadlines.

This is the Third request for an extension of these deadlines. This request is made in good faith and is not for the purpose of delay. Further, while the Parties are certainly mindful of the Court’s interest in the expeditious completion of cases, the Parties have completed discovery and there is good cause for the extension sought herein. Pursuant to LR 26-4, the Parties provide the following information to the court in connection with their request for an extension of the

dispositive motion deadline:

I. Statement of Discovery that has been Completed

The Parties served their initial disclosures on September 11, 2024. Plaintiff supplemented his disclosures on October 2, 2024; November 6 and 20, 2024; December 2 and 6, 2024; January 14, 2025; and February 7, 2025. Defendant supplemented its disclosures on November 4, 2024; December 23, 2024; January 13, 2025; and February 7, 2025.

On September 26, 2024, Plaintiff served his first set of written discovery on Defendant, and Defendant responded on November 4, 2024, and supplemented its responses on December 23, 2024, and January 13, 2025. On October 30, 2024, Defendant served its first set of written discovery on Plaintiff, and Plaintiff responded on December 2, 2024, and supplemented his responses on January 14, 2025, and February 7, 2025. On November 20, 2024, Plaintiff served his second set of written discovery on Defendant. Defendant served its responses on January 13, 2025. On January 6, 2025, Plaintiff served his third set of written discovery on Defendant. Defendant served its responses on February 7, 2025. On January 16, 2025, Plaintiff served his erroneously titled third set of written discovery on Defendant but properly notated as his fourth set of written discovery. Defendant served its responses on Monday, February 17, 2025.

On December 18, 2024, Plaintiff served his initial expert witness disclosures, identifying two expert witnesses – Eric Knowles and Phillip Sidlow.

Plaintiff took the depositions of two fact witnesses, Audra Rosenthal and Stephanie Teague, on February 5, 2025. Defendant took Plaintiff's deposition on February 14, 2025. Plaintiff took Kirk Schmitt's deposition February 24, 2025, and Glenn Kasprzyk on March 13, 2025. Defendant took depositions of expert witnesses Eric Knowles on March 5, 2025, and Phillip D. Sidlow on March 10, 2025. Plaintiff took the deposition of Chalann Berg on April 8, 2025.

II. Remaining Discovery To Be Completed

Discovery closed on March 18, 2025. The Parties are currently re-exploring resolution.

III. Reason Discovery Cannot Be Completed Within The Original Deadline

All discovery is completed.

///

V. **Proposed Schedule for Completing all Remaining Discovery**

All discovery in this case has and will continue to be conducted in accordance with the Federal Rules of Civil Procedure and applicable Local Rules of this District Court. The Parties propose to the Court the following deadlines:

a. **Dispositive Motions:** Dispositive motions shall be filed not more than twenty-one (21) days after the current dispositive motion date and, therefore, not later than **Monday, June 23, 2025**.

d. **Pretrial Order:** The Pretrial Order shall be filed not later than **Wednesday, July 23, 2025**, thirty (30) days after the deadline for filing dispositive motions date of June 23, 2025, in accordance with LR 26-1(b)(5). In the event dispositive motions have been filed, the Pretrial Order shall be suspended until thirty (30) days after a decision of the dispositive motions or further order of the Court.

e. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto, shall be included in the final Pretrial Order in accordance with LR 26-1(b)(6).

///

///

///

f. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In accordance with LR 26-3, a stipulation or motion for modification or extension of this discovery plan and scheduling order and any deadline contained herein, must be made not later than twenty-one (21) days before the subject deadline.

DATED this 2nd day of June, 2025.

LAGOMARSINO LAW

/s/ Taylor Jorgensen

Andre M. Lagomarsino
Nevada Bar No. 6711
Taylor Jorgensen
Nevada Bar No. 16259
3005 W. Horizon Ridge Pkwy, #241
Henderson, Nevada 89052

Attorneys for Plaintiff

DATED this 2nd day of June, 2025.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART,
P.C.

/s/ Anthony L. Martin

Anthony L. Martin
Nevada Bar No. 8177
10801 W. Charleston Blvd.
Suite 500
Las Vegas, NV 89135
Telephone: 702.369.6800
Fax: 702.369.6888

Attorneys for Defendant Mercy, Inc.

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: June 3, 2025